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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,282	10/19/2006	Toyoshi Tokimoto	1248-0820PUS1	9065
2292 7590 02/03/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER STRONCZER, RYAN S				
ART UNIT		PAPER NUMBER		
2425				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/553,282

Applicant(s)

TOKIMOTO ET AL.

Examiner

Ryan Stronczer

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 5,7-9,11,12,14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 18 November 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "at the wireless center unit 3, there is no need of decoding and converting the up-down channel selection command to a direct channel selection command") are not recited in the rejected claim(s). Examiner notes that claim 1 does not specify whether the recited "command conversion section" is embodied in the wireless center or in the AV display device. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner maintains that forming a "control signal" corresponding to a received channel change command and supplying said control signals to pertaining components, as taught by Fig. 7 of Uchida, is cumulative in scope with the recited function of the command conversion section.

As to Applicant's allegations that generating a direct channel selection command and transmitting said command to the wireless center is not inherent in Hakamada, Examiner respectfully disagrees. Hakamada discloses wirelessly transmitting a channel selection command from a remote control to a receiving device via infrared. Generating a channel selection command is inherent in executing a channel change command via a remote control and infrared transmission is equivalent to the recited wireless

transmission. In the event that Applicant does not feel this is commensurate with the scope of the claim, Examiner also points to Fig. 7 of Uchida which recites similarly equivalent functionality.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (US Pat. No.: 6,960,661) and further in view of Hakamada et al. (US Pat. No.: 4,870,492).

Regarding claim 1, Fig. 1 of Uchida teaches a bi-directional communication system comprising a base apparatus and a display apparatus. As to the recited "wireless center having: a tuner section for performing channel selection, and a first transmitting/receiving section for transmitting/receiving broadcast information of a channel selected by the tuner section and other data..." Uchida teaches that the base apparatus "...has an antenna **201** and a tuner for receiving and selecting analog television broadcast signals" (col. 4, lines 43-44) and that the base device "...compress data, such as a video signal and/or an audio signal from a television program...[which] is formed into a transmission signal and transmitted to the display apparatus 100" (col. 4, lines 57-62).

As to the recited AV output device, the display apparatus taught by Uchida teaches the recited "...a display section (*Fig. 1, 107; col. 4, lines 63-37*), [2] a channel selection input section for receiving an input operation causing the tuner section to perform channel selection (*Fig. 1, CP; col. 5, lines 6-10*), and [3] a second transmitting/receiving section capable of receiving the broadcast information and transmitting/receiving data wirelessly to/from the first transmitting/receiving section (*Fig. 2, 101, 111, 112*)" as well as the recited "command conversion section" (*Fig. 7*). Though Uchida does not explicitly teach the recited "...[4] a first channel identification information memory section for storing channel identification information being available for identifying a channel selected by the up-down input operation," the display apparatus taught by Uchida includes a "...EEPROM 134 [which] can store various setting parameters, a homepage on the Internet acquired through the base apparatus 200, an electronic mail prepared to be transmitted through the base apparatus 200 or a received electronic mail, as hereinafter described" (*col. 6, lines 46-51*). In an analogous art, Hakamada teaches "a television receiver having a channel skip function capable of skipping a channel on the basis of skip flag data stored in a memory. The auto-programming feature determines which channels are in use and stores skip channel data in a memory so that unused channels are not accessed by the user" [ABST]. The skip channel data taught by Hakamada is equivalent to the recited "channel identification information." It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the auto-programming taught by Hakamada into the display apparatus of Uchida and store the skip flag data in the EEPROM

memory of Uchida's display device to reduce communication and processing time between the display and base devices.

As to claim 3, the rejection of claim 1 is incorporated herein. The recited functionality is cumulative with the auto-programming and channel skip identification taught by Hakamada and would have been rendered obvious to one of ordinary skill in the art at the time of the invention in the course of practicing the combination of Uchida and Hakamada as analyzed above.

As to claim 4, the combination of Uchida and Hakamada teaches the recited "...the first channel identification information is skip information obtained based on a result of a channel scan carried out in the tuner section, and transmitted from the wireless center to the AV output device." Hakamada teaches that "[w]hen a user presses an up-key or a down-key for the channel, the channel is scanned sequentially in the up or down direction. At the same time, if SFLG="0", the corresponding channel is skipped. If on the other hand SFLG="1", the channel skip operation is not carried out at the corresponding channel" (col. 1, lines 12-15). As the display apparatus taught by Uchida does not have a tuner, it would have been obvious to one of ordinary skill in the art at the time of the invention that the this channel scan could be conducted by the base unit of Uchida's system and that the channel identification information would have to be transmitted from the base device to the display device to be stored in the memory 134 of the display device.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. in view of Hakamada et al. as applied to claim 1 above, and further in view of Piotrowski (Pub. No.: US 2003/0237100).

As to claim 13, Fig. 7 of Uchida teaches the mechanism by which the display device wirelessly transmits control signals to the base device. As to the recited, "[1] collecting, based on a result of the channel selection performed by the tuner section, channel identification information including skip information indicative of whether or not a station has been registered for each channel and transmitting the channel identification information to the AV output device wirelessly..." Fig. 1 of Piotrowski teaches an analogous system for receiving supplemental channel information from a broadcast channel. Piotrowski further teaches that

...many conventional televisions have an auto channel search feature that pre-programs the channel "up" and "down" buttons on a remote control to skip over channels that do not have any content. The present invention may be used to automatically update the skip feature to add or delete channels from the skip feature. [0047]

As to the recited "...and [2] storing the transmitted channel identification information in the memory section, detecting, responsive to the up-down input operation in the channel selection input section, a channel identified with reference to the channel identification information stored in the memory section..." Piotrowski teaches, "...*the time of day and the content provider identifier (e.g., network or station ID) may be automatically updated and this information stored in the memory 22 or 23 for future use. There is also much more information available to the user*" [0031]. As to the recited "...generating a direct channel selection command for selecting the identified channel,

and transmitting the direct channel selection command to the wireless center side wirelessly," this functionality is inherent in the system taught by Hakamada (col. 1, lines 12-15, cited above). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the auto-update features taught by Piotrowski with the system taught by Uchida and Hakamada to ensure that the user's channel identification information was always current.

As to claim 15, the recited functionality is taught by the system of Uchida and Hakamada in view of paragraphs 0031 and 0047 of Piotrowski, as cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-

3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425